

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JUNE 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Bruce C. Goodson, Vice Chair, Roberts District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Jayse Barrett, a second-grade student at Stonehouse Elementary, led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

1. Ms. Anna Rangel, 3962 Bournemouth Bend, made comments in reference to the Wellington Subdivision Stormwater Management letter. She thanked Mr. Steven Hicks, Manager of Development Management, for the corrections on the Best Management Practice (BMP) and discussed that there are still other issues with various BMP's that need to be addressed.

2. Mr. Ed Oyer, 139 Indian Circle, commented on the Windy Hill Market bus stop located on Route 60; the phone outage by Verizon over the weekend; the budget; and the International Conservation for Environmental Initiatives.

3. Mr. Randy O'Neal, 109 Sheffield Road, commented on children's health such as childhood obesity as a national epidemic. He commented on Williamsburg-James City County schools and the Parks and Recreation department in relationship to exercise for children.

**F. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson commented that Hampton Roads Public Transportation has a meeting scheduled at 5 p.m. at the Williamsburg Regional Library, 515 Scotland Street, to discuss the Year 2034 Long-Range Transportation Plan. He also mentioned the contract award for the Norge Depot Restoration Project.

Mr. Kennedy mentioned graffiti on a motel in Norge and asked the Police Department to install cameras; he commented on unkept vacant lots on Route 60 near the Jamestown Feed & Seed; and stated that the Castle is still boarded. He commented on the Virginia Peninsulas Public Service Authority (VPPSA) Recycling trucks driving excessive speeds in the County. He also asked for a briefing on the buildings in the Stonehouse district.

Mr. McGlennon congratulated all graduating high school students and mentioned the various ceremonies that occurred, and stated that he, along with Mr. Goodson, had attended Jamestown, Lafayette, and Warhill High School graduations.

Mr. Icenhour commented on the "No Parking" signs installed on Jolly Pond Road and asked for Police enforcement until residents are used to the new signage. He asked Mr. Larry Foster, Manager of James City Service Authority, about irrigation systems being installed and is this necessary in reference to water conservation.

Mr. Foster replied that the Board of Supervisors approved guidelines for water conservation for a new development and a developer is required to have a water conservation plan. Mr. Foster said in this instance, the original plan was for 100,000 to 140,000 gallons per month in the driest months, but the approved plan reduced water usage to 40,000 gallons.

Mr. Icenhour and Mr. Foster discussed the various water systems used in various areas in the County. Mr. Icenhour asked about the New Town water system, such as BMP's, wells, and potable water. Mr. Icenhour commented on the amount of water usage by businesses and residents and the Board may consider fairness in reference to rates.

Ms. Jones stated that the Rand McNally Tour is traveling around the United States for the most Patriotic Town and they visited the Historic Triangle area. The results will be known sometime by the end of the summer. In attendance were Councilman Pons and Councilwoman Knudson.

**G. CONSENT CALENDAR**

Mr. Goodson made a motion to adopt the Consent Calendar.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

1. Minutes – June 14, 2011, Regular Meeting
2. Grant Award – Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant – \$23,411

**RESOLUTION**

**GRANT AWARD – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

**FIRE PREVENTION AND SAFETY GRANT – \$23,411**

WHEREAS, the James City County Fire Department has been awarded a Fire Prevention and Safety Grant (FP&S) for \$23,411 (\$18,729 Federal funds, \$4,682 local match) from the Department of

Homeland Security (DHS), Federal Emergency Management Agency (FEMA) under the FY 2010 Assistance to Firefighters Grant Program; and

WHEREAS, the funds are to be used for the purchase and distribution of 252 smoke alarms and smoke alarm assist devices for residents who may not awaken to a regular smoke alarm; and

WHEREAS, the grant requires a local match of \$4,682, which is available in the James City County Grants Match account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenues:

FEMA FP&S-Smoke Alarm Assist	\$18,729
Transfer from General Fund	<u>4,682</u>
Total	<u>\$23,411</u>

Expenditure:

FEMA FP&S-Smoke Alarm Assist	<u>\$23,411</u>
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- 3. Grant Award – National Rifle Association (NRA) of American Foundation – \$740

**RESOLUTION**

**GRANT AWARD – NATIONAL RIFLE ASSOCIATION (NRA) OF AMERICA**

**FOUNDATION GRANT – \$740**

WHEREAS, the James City County Police Department has been awarded a \$740 grant from the National Rifle Association (NRA) of America Foundation; and

WHEREAS, the grant has been awarded to fund the purchase of firearm safety educational materials; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

NRA – FY 11	<u>\$740</u>
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Expenditure:

NRA – FY 11

\$740

4. Contract Award – Norge Train Depot Phase III – Interior Restoration, Roof, and Site Improvements – \$580,154.65

**RESOLUTION**

**CONTRACT AWARD – NORGE TRAIN DEPOT PHASE III-INTERIOR RESTORATION,**

**ROOF, AND SITE IMPROVEMENTS – \$580,154.65**

WHEREAS, funds are available in the Special Projects/Grants fund; and

WHEREAS, one bid was considered for award and Michael J. Hipple Builder, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for Norge Train Depot Phase III-Interior Restoration, Roof, and Site Improvements to Michael J. Hipple Builder, Inc. in the amount of \$580,154.65 upon receipt of a Virginia Department of Transportation (VDOT) award concurrence as required by grant regulations.

5. Underground Utility Easement/Right-of-Way Agreement – Freedom Park Interpretive Center

**RESOLUTION**

**UNDERGROUND UTILITY EASEMENT/RIGHT-OF-WAY AGREEMENT –**

**FREEDOM PARK INTERPRETIVE CENTER**

WHEREAS, the Board of Supervisors held a public hearing to include in the County's Capital Improvement Program (CIP) construction of an Interpretive Center at Freedom Park; and

WHEREAS, the Board of Supervisors approved the contract award authorizing construction of an Interpretive Center at Freedom Park; and

WHEREAS, a utility easement is needed to provide electrical service to the Interpretive Center; and

WHEREAS, a public hearing is not needed to convey a utility easement for projects consistent with a CIP pursuant to Virginia Code § 152-1800.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute any required Right-of-Way Agreement and such other documents as may be necessary for Dominion Virginia Power to install underground electrical service to the Interpretive Center at Freedom Park.

**H. PUBLIC HEARINGS**

1. Chickahominy License and Use Agreement – Boat Storage Facility (Deferred from April 26, 2011)

Mr. McGlennon commented that he is an employee with the College of William and Mary and chose not to participate in the decision.

Mr. John Carnifax, Director of Parks and Recreation, gave a presentation to the Board. James City County Parks and Recreation has partnered with the College of William and Mary (“the College”) and community rowing clubs since the year 2000 to promote competitive and recreational rowing in the County. A need for a permanent boat storage facility was identified during the Shaping Our Shores Master Plan process and was included in the approved Master Plan for Chickahominy Riverfront Park. Friends of Williamsburg Rowing have agreed to design, build, and donate a boat storage facility to the County, and a license and use agreement has been drafted to outline exclusive usage by the College and the College Rowing Club. Per this agreement, the County will provide and pay for electricity for the building, and the College will provide the maintenance. In addition, the College will pay the County a Facility Usage Fee for each participant.

Staff recommends approval of the resolution for a license agreement with the College and the College Rowing Club.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Icenhour commented on the contract having a blank date.

Mr. Carnifax replied that this would be simultaneously dated.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, Icenhour, Jones (5). NAY: (0). ABSTAIN: McGlennon (1).

**RESOLUTION**

**CHICKAHOMINY LICENSE AND USE AGREEMENT – BOAT STORAGE FACILITY**

WHEREAS, James City County Parks and Recreation has partnered with the College of William and Mary (“the College”) and community rowing clubs since 2000 to promote competitive and recreational rowing in the County; and

WHEREAS, the need for a permanent boat storage facility was identified during the Shaping Our Shores Master Plan process and was included in the approved Master Plan for Chickahominy Riverfront Park; and

WHEREAS, the Friends of Williamsburg Rowing will design, construct, and donate a boathouse facility to James City County with only electrical costs paid by James City County; and

WHEREAS, a license and use agreement between James City County, the College, and the College Rowing Club has been prepared that details the exclusive usage of the facility to include maintenance and the payment of a Facility Usage Fee to the County; and

WHEREAS, the addition of this boathouse with the license and agreement provides significant public benefit, protects the integrity of Chickahominy Riverfront Park, and allows citizens to participate in the programs at this facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the Chickahominy License and Use Agreement for the construction and operation of a boat storage facility.

2. Case No. SUP-0003-2011. Mid County Park Master Plan

Mr. Luke Vinciguerra, Planner, gave a presentation about Mid County Park. He stated that Mr. John Carnifax of James City County Parks and Recreation has applied for a Special Use Permit (SUP) to improve facilities at Mid County Park as shown on the master plan. As the park is a legally nonconforming use, an SUP is required to bring the property into conformance prior to site modifications. The Public Lands district, created in 2007, requires an SUP for community recreation facilities. The park property was originally part of Powhatan Secondary. The existing proffers remain applicable, but do not restrict park development. Mid County Park is one of the County's most visited parks, hosting nearly 300,000 visitors annually. The park opened in 1985, followed by the addition of Kidsburg in 1994. Both are in need of significant repair due to the aging of the facilities. The changes proposed for Mid County Park include the replacement of the existing fencing, rest rooms, office, and picnic shelters. The basketball and tennis courts will remain and the volleyball courts will be moved to a more accessible location. The most noticeable changes are the removal of the baseball fields adjacent to Steeplechase apartments and a new Kidsburg. Parks and Recreation found that due to the small size of the park and the frequency that baseballs were being hit onto Monticello Avenue, playing baseball is more appropriate for the high school fields. The design of the new Kidsburg has not been completed.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon asked when the ball fields would no longer be in use and what alternatives would be made for ball field usage.

Mr. Carnifax replied that both Warhill and Jamestown High School fields will be available and lit. He mentioned that the ball field has been discussed and staff has reviewed the number of participants using the ball fields. The number of participants has not increased since 2007, but the County now has 10 lit baseball fields compared to 6 in 2007. Kidsburg is a very popular park, however parking is limited, which is why this is being proposed.

Mr. McGlennon commented on the high school coaches not being allowed to use the fields.

Mr. Carnifax responded that it would not be an issue for usage. There was further discussion of fees being charged at high school games and that this is not an issue for high schools since Warhill Stadium charges fees.

Mr. Kennedy asked if the basketball courts would be moved.

Mr. Carnifax replied that they would not.

Mr. McGlennon asked if the volleyball courts would be moved.

Mr. Carnifax replied that the courts adjacent to the apartments would be moved.

Ms. Jones commented on the tree line in the master plan and tree line moves used as a buffer along Monticello Avenue.

Mr. McGlennon commented that there can be modifications to the master plan.

Ms. Jones wanted to ensure that the modifications can be done.

Mr. Carnifax commented that the design phase is being done and is working with the Virginia Department of Transportation (VDOT) and citizens. He mentioned that Ms. Jones' recommendations will be considered, the park should be an open space, and moving the tree line can be done.

Ms. Jones asked when this project would be completed.

Mr. Carnifax replied that the lighted fields would be completed. He commented that Kidsburg may take several months and that the challenge will be to keep Kidsburg open while completing the project.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

## **RESOLUTION**

### **CASE NO. SUP-0003-2011. MID COUNTY PARK MASTER PLAN**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, the applicant has applied for an SUP for Mid County Park located at 3793 Ironbound Road and further identified as James City County Real Estate Tax Map No. 3830100010 to bring the park into conformance with the zoning ordinance prior to proposed site modifications; and

WHEREAS, on May 4, 2011, the Planning Commission unanimously recommended approval of the application; and

WHEREAS, the Board of Supervisors, following a public hearing is of the opinion that an SUP to allow the site modifications proposed to Mid County Park and to bring the existing park into conformance with the Zoning Ordinance should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0003-2011 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the park, associated fields, trails, parking areas, and accessory uses located at 3793 Ironbound Road and further identified as James City County Real Estate Tax Map No. 3830100010. The park shall be developed generally as shown on the exhibit drawn by Greensprings Landscape Architecture entitled "Proposed Mid-County Park Master Plan" and dated March 23, 2011, with only minor changes and/or additions that do not change the basic concept or character of the development as determined by the Planning Director.
2. Water Conservation Standards: James City County Parks and Recreation shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low-water-use landscaping materials and warm season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
3. Lighting: Any exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No glare defined as 0.1 foot-candle or higher shall extend outside the Property lines.
4. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Acquisition and Sale of Real Property – 4346 Ironbound Road (Deferral Requested)

Mr. Middaugh mentioned the item will be deferred until August 9, 2011 and discussed in a closed session prior to the August meeting.

The Public Hearing is still open for this case; however, no one wished to speak at this time.

Mr. Kennedy commented on the Closed Session involving this property and wants additional information prior to advertisement. He was concerned that this item was advertised before the Board had a conclusion on this case, and commented this should not occur again.

Mr. Icenhour made a motion to deferral until August 9, 2011.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).



4. Disposition of Real Property – 4352 Ironbound Road

Ms. Marion Paine, Planner with the Office of Housing and Community Development, gave a presentation on 4352 Ironbound Road. The County purchased 4352 Ironbound Road in 2006 for the Ironbound Square Redevelopment Project. The purchase allowed the demolition of the then-existing substandard house, provided road right-of-way, and an area to place a neighborhood sign. Pursuant to the approved Master Plan for Phase 2 of the Ironbound Square Redevelopment Project, the subdivision plat designates this property as “Common Area 1.” The Common Area in this subdivision will be owned and maintained by the Ironbound Subdivision Homeowners Association. The neighborhood sign will be located in this Common Area. Staff recommends adoption of the attached resolution authorizing the County Administrator to sign all necessary documents required to transfer and convey title for the Common Area 1 (also known as 4352 Ironbound Road) to the Ironbound Subdivision Homeowners Association.

Mr. Kennedy commented on the status of the area and its outdoor appearance being maintained.

Ms. Paine replied that there are permanent changes and it is continuing to improve.

Mr. Kennedy asked if the community is maintaining its residential area free of debris and upkeep of its residences, and that we as a County have not had to do a major clean up.

Ms. Paine replied that the homeowner association is very active and is assisting the homeowners in maintaining the neighborhood of debris.

Ms. Jones commented on construction being done on Ironbound Road and to please be mindful of it.

Ms. Paine responded that the construction is almost over.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon commented on the remarkable change of the neighborhood and made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**RESOLUTION**

**DISPOSITION OF REAL PROPERTY – 4352 IRONBOUND ROAD,**

**IRONBOUND SQUARE REDEVELOPMENT**

WHEREAS, the County purchased the real property identified as James City County Tax Map No. 3910100090A, being approximately 0.11 acres, and more commonly known as 4352 Ironbound Road (“Property”); and

WHEREAS, the County desires to convey the Property to the Ironbound Subdivision Homeowners Association, without consideration, in accordance with the Master Plan for Phase 2 of the Ironbound Square Redevelopment Project; and

WHEREAS, a public hearing was conducted on June 28, 2011, by the Board of Supervisors to receive public comment on the disposition of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute a deed and such other documents as may be necessary to convey the Property to the Ironbound Subdivision Homeowners Association without consideration.

## **I. BOARD CONSIDERATIONS**

### **1. Watershed Management Plans for Gordon and Mill Creeks (Deferred from May 24, 2011)**

Ms. Fran Geissler, Director of Stormwater, gave a presentation to the Board. As summarized in the May 10, 2011, reading file, staff, with assistance from professionals with Vanasse Hangen Brustlin, Inc. (VHB), have been working to complete management plans for two County watersheds, the Gordon Creek and the Mill Creek. The plans that are before the Board tonight are the result of stakeholder input, staff experience implementing previous watershed plans, and advances in data collection and pollutant modeling since the first watershed plans were completed in the County. These plans also represent an incentive-based approach to encouraging improved resource management in James City County. Attached is a side-by-side comparison of the goals and strategies contained in each plan. The minor changes are based on direct feedback from stakeholders. The strategies contained in the Gordon Creek watershed management plan are intended to protect the almost pristine condition of the watershed and, as such, the plan identifies a number of potential conservation areas worthy of protection. Of note is the fact that the County itself is a major landowner in the watershed with Freedom Park, Chickahominy Riverfront Park, and Hornsby and Blayton Schools. Chapter 6, Subwatershed Management, summarizes the recommended actions to protect the overall watershed. By comparison, the plan for the highly developed Mill Creek watershed provides the County with projected pollutant reductions for each recommended stormwater retrofit or restoration project. These estimated pollution reductions address nutrients and sediment and will be used to develop capital improvement program plans to improve water quality. Those improvements will also contribute to a response to any future regulatory requirements the County may face. Chapter 6, Subwatershed Management, includes estimated pollutant reductions and associated costs for each subwatershed.

Each plan identifies projects and estimated costs. Actual expenditures will be dependent on Board action or an annual budget authorization.

Mr. Goodson stated that he wanted to ensure the public knew and understood about the Gordon and Mill Creeks Watershed based on the amount of material.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

## RESOLUTION

### WATERSHED MANAGEMENT PLANS FOR GORDON AND MILL CREEKS

WHEREAS, the Gordon and Mill Creeks are resources of local and regional significance; and

WHEREAS, the Board authorized staff to prepare management plans to help the County and landowners protect and restore the watersheds and their natural resources; and

WHEREAS, stakeholders, staff, and consultants have met over a period of 24 months to share information, set goals, and develop the two watershed management plans.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts both the Gordon Creek and the Mill Creek Watershed Management Plans dated May 24, 2011.

2. Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance

Mr. Robert Middaugh, County Administrator, presented the Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance. Adoption of the resolution would support County Administrator's proposal to increase the dollar amount of the Employer Assisted Home Ownership Program County match from \$3,000 to \$5,000 for use by employees to purchase a primary residence in James City County or the City of Williamsburg. The employee must meet eligibility criteria, including household income limits. Sufficient funds are available to apply the increase to current program participants and to accept up to 11 additional participants in the Program at the \$5,000 match amount.

The Board of Supervisors created the Employer Assisted Home Ownership Program in July 1, 2001, to achieve the following objectives:

- To benefit County employees and the community by assisting employees with purchasing homes in the County they serve; and
- To promote workforce stability by ensuring employees live near their County workplace in housing that is affordable over the long-term.

The Program has been successful in that about 50 employees have purchased homes in the County during the 10 years of the Program. About one third of the employees using the Program worked for public safety departments. Thirty-nine of those employees are still with the County. Those who leave within four years of purchasing a home through the Program must repay a prorated share of the match.

Section 2-15.2 of the County Ordinance, which enables this Program, allows grants of up to \$5,000. However, administratively and through the budget, the maximum grant amount has been capped at \$3,000. Staff recommends increasing the grant amount to \$5,000 for the following reasons:

- Despite the recent fall in home prices, the median price of a home sold in the Greater Williamsburg area has increased from \$173,913 in 2001 to \$267,025 in 2010; and
- Costs for a real estate closing have risen similarly, and typically total more than \$10,000.

Mr. Kennedy commented on the program which at first was to retain employees in the County, however, due to tough economic times retention is no longer the issue. He commented on the County doing great things, however due to housing costs decreasing and employees staying longer, he does not see the need for the increase and commented that further discussion on this topic should have occurred during the budget process.

Mr. Icenhour stated that it was an issue of fairness due to those who work in the County but could not afford to live in the County. He further commented on the ability to honor the commitment and the increase of employees who were assisted through the program.

Mr. McGlennon stated his support to increase the funding. He stated that it offers the opportunity for employees to purchase a home and that despite the cost, it would benefit employees to live in the County.

Mr. Goodson stated he would not support the increase based on the point with the budget and since housing costs have decreased.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour (2). NAY: Kennedy, Goodson, Jones (3).

Ms. Jones acknowledged Mr. Al Woods with the Planning Commission.

## **J. PUBLIC COMMENT**

1. Mr. Jack Fowler, 109 Wilderness Lane, discussed Little Creek Reservoir repairs and the Economic Opportunity (EO) Zone.

2. Mr. Jim Brown, 4 Longleaf Circle, discussed the EO Zone along the Mooretown Road and Lightfoot section of the County. Mr. Brown also made comments about those citizens who had opposed this zone.

## **K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh noted that the County offices would be closed Monday for the July 4th holiday and to check for other closings on the County website. He suggested that the Historical Commission could be made in open session

## **L. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour made a motion to appoint three appointments for the Historical Commission. Mr. M. David Levy, Karlene Noel Jennings, and Peter B. Gushue.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

Mr. Goodson made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

At 8:20 p.m., Ms. Jones recessed the Board into Closed Session.

At 8:50 p.m., Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY:  
(0).

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use.

**M. ADJOURNMENT** to 7 p.m. on July 12, 2011.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY:  
(0).

At 8:51 p.m., Mr. McGlennon adjourned the Board to July 12, 2011.

  
Robert C. Muddaugh  
Clerk to the Board